

RESOLUTION NO. R-2010-1411

A RESOLUTION APPROVING AN AGREEMENT TO TERMINATE THE LEASE AGREEMENT AND ALL AMENDMENTS THERETO BETWEEN WELLS FARGO SILVER REEF MONUMENT, INC. AND WASHINGTON COUNTY

WHEREAS, on March 7, 2006, Washington County ("County") and Wells Fargo Silver Reef Monument, Inc. ("Silver Reef"), collectively referred to as the "Parties", entered into a lease agreement whereby the County leased to Silver Reef the buildings and property known as the Rice Bank Building, the Wells Fargo Building, and the Cosmopolitan Restaurant (the "Buildings"), hereinafter, the "Lease Agreement"; and

WHEREAS, on or about September 15, 2009, the Parties executed an amendment to the Lease Agreement, excluding the Rice Bank Building from the Lease Agreement (hereinafter, the "Lease Agreement Amendment") pursuant to the terms set forth therein; and

WHEREAS, Silver Reef subleased the Wells Fargo Building to Jerry Anderson, which sublease has expired; and

WHEREAS, Jerry Anderson has recently vacated his tenancy at the Wells Fargo Building; and

WHEREAS, Silver Reef subleased the Cosmopolitan Restaurant to Glen J. Morgan and Diana Morgan (the "Morgans"), which sublease has expired; and

WHEREAS, the Morgans, have subleased the Cosmopolitan Restaurant to a subtenant of their own; and

WHEREAS, the Morgans have recently vacated the Cosmopolitan Restaurant and waived any interest in the Cosmopolitan Restaurant; and

WHEREAS, the Cosmopolitan Restaurant needs a new septic tank, its leach field needs to be replaced, a grease trap needs to be installed, and other major and minor repairs, which expenses Silver Reef cannot afford to install and/or pay for; and

WHEREAS, the Parties have a mutual desire to work together to preserve the Buildings, together with the artifacts and memorabilia on the properties of the Buildings, and to enhance the historical setting of the property generally known as "Wells Fargo Silver Reef"; and

WHEREAS, the Parties would mutually benefit from the termination of the Lease Agreement and the Lease Agreement Amendment and, thereafter, informally work together to accomplish their goals in the Wells Fargo Silver Reef area; and

WHEREAS, it is the desire of the Parties to terminate the Lease Agreement and the Lease Agreement Amendment; and

WHEREAS, the Parties have negotiated an agreement to terminate the Lease Agreement and all amendments thereto pursuant to the terms set forth therein ("Termination Agreement"), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, it is in the best interest of Washington County that the County enter into the Termination Agreement with Silver Reef.

NOW, THEREFORE, at a regular meeting of the legislative body of Washington County, Utah, duly called, noticed, and held on the 5th day of January 2010, upon motion duly made and seconded, it is unanimously:

RESOLVED that the Termination Agreement, a copy of which is attached hereto as Exhibit "A", is hereby approved and adopted. A copy of the Termination Agreement is on file in the Office of the Washington County Commission.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON THE 5TH DAY OF JANUARY 2010.

WASHINGTON COUNTY

JAMES J. EARDLEY
Washington County Commission

ATTEST:

Kim M. Hafen
Washington County Clerk-Auditor

Commissioner Eardley voted ____
Commissioner Gardner voted ____
Commissioner Drake voted ____